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PREPARATORY COMMITTEE FOR THE WORLD
SUMMIT FOR SOCIAL DEVELOPMENT
Third session
New York, 16-27 January 1995
Item 4 of the provisional agenda*

DRAFT OUTCOME OF THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT: DRAFT DECLARATION AND DRAFT PROGRAMME OF ACTION

Contributions of organs, organizations and programmes of the United Nations system

Note by the Secretary-General

Addendum

Submission by the Centre for Human Rights on behalf of the Committee on Economic, Social and Cultural Rights

The Centre for Human Rights of the Secretariat has submitted to the Preparatory Committee for the World Summit for Social Development, for consideration at its third session, the annexed statement adopted by the Committee on Economic, Social and Cultural Rights at its 55th meeting (eleventh session), held on 8 December 1994. The statement is circulated in the language of submission.

* A/CONF.166/PC/24.

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Annex

STATEMENT OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 1/

1. The Committee on Economic, Social and Cultural Rights, established to monitor compliance by States with their obligations under the International Covenant on Economic, Social and Cultural Rights (which currently has some 130 States parties), calls attention to its statement of May 1994 on the relationship between the Covenant and the World Summit for Social Development.

2. The Committee notes with deep regret, however, that after two sessions of the Preparatory Committee and the inter-sessional consultations held in October 1994, the draft declaration (see A/CONF.166/PC/L.22) contains no mention whatsoever either of economic, social and cultural rights or of the Convenant per se. While there are several passing references to "universally recognized human rights", and while certain civil and political rights are explicitly mentioned in different parts of the draft declaration, there is not a single reference to any economic, social or cultural right. Instead, these rights are downgraded to be covered by terms that have no specific normative content, such as "basic needs", "human needs", equality of opportunity", "the eradiction of poverty," "workers' rights" etc.

3. Moreover, it would appear that these open-ended terms are used primarily because they do not recall any legal obligations for States whether arising out of the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights or the various other international instruments that reaffirm obligations relating to economic, social and cultural rights. The latter include the Convention on the Rights of the Child, ratified by close to 170 States, as well as the International Convention on the Elimination of All Forms of Racial Discrimination.

4. The failure even to refer to the Covenant on Economic, Social and Cultural Rights, let alone to call specifically for its ratification, is surely surprising given its direct and fundamental relevance to the entire subject matter of the Social Summit. The Committee notes that the draft declaration does contain a specific reference to "full respect for relevant conventions of the International Labour Organization" (see A/CONF.166/PC/L.22, draft declaration, commitment 3, sub-para.

1/ Submitted in English only.

(e)) and to the Convention on the Elimination of All Forms of Discrimination against Women (ibid., commitment 5, sub-para. (d)). Beyond that, there is only one general call to "encourage the ratification and full implemenation of all international instruments relevant to the elimination of discrimination and the protection of human rights" (ibid., commitment 4, sub-para. (f)).

5. In view of the repeated affirmations by all States in many different contexts of the equal importance of the two sets of rights, the Committee considers that the approach reflected in the draft is entirely unacceptable. It amounts to a repudiation not only of the importance but even of the relevance of these rights in the very context in which they are most relevant.

6. The Committee therefore calls upon the Preparatory Committee at its final session and the Social Summit itself specifically to urge all States to ratify the International Covenant on Economic, Social and Cultural Rights and to set a goal of the year 2000 for the achievement of universal ratification.

7. In addition, the Committee urges the Summit to recognize the contribution that should be made by the Committee on Economic, Social and Cultural Rights in relation to the follow-up to the declaration. In this regard, the Summit should:

(a) Call upon each State to commit itself to the achievement of specific minimum benchmarks in relation to each of the rights recognized in the Covenant, including those relating to employment, working conditions, freedom of association, social security, protection of motherhood, protection of children, the right to an adequate standard of living, including adequate food, clothing and housing, the right to mental and physical health, the right to education and the right to take part in cultural life;

(b) Explicitly recognize that the Committee on Economic, Social and Cultural Rights has an important role to play in the follow-up to the Summit;

(c) Request the Committee to review the reports of all 130 States party to the Covenant in accordance with the benchmarks and other goals contained in the draft programme of action, and to report in detail to the Economic and Social Council;

(d) Request the Economic and Social Council to give specific consideration on an annual basis to measures which the Committee recommends to it by way of follow-up.